

LORDS AMENDMENTS

TO THE

ASYLUM OFFICERS' SUPERANNUATION
BILL.

[NOTE.—The page and line refer to Bill (147.) as first printed
by the Lords.]

Page 1.

Line 11, after ("servants") insert—

"(2) The division of established officers and servants into classes shall be made by the visiting committee of each asylum, with the consent of the local authority, and the visiting committee shall affix in a conspicuous place in the asylum, a notice with respect to such division into classes."

Line 15, leave out ("fifteen") and insert ("twenty")

Line 15, leave out ("fifty") and insert ("fifty-five")

Line 21, after ("life") insert ("or incapacity")

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Line 8, leave out ("from") and insert ("for")

Line 17, leave out ("managers or authorities") and insert
("visiting committee")

Line 25, after ("aggregate") insert—

(4) Where an established officer or servant of an asylum is
injured—

(a) in the actual discharge of his duty; and

(b) without his own default; and

(c) by some injury specifically attributable to
the nature of his duty;

and is permanently incapacitated for asylum duties
as the result of such injury, the visiting committee

[Bill 355.]

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of such asylum may grant to him such gratuity or special superannuation allowance as they may consider reasonable :

Line 28, after (" person ") insert (" and a gratuity granted under
" this section shall not exceed one year's salary or wages
" and emoluments of the person to whom it is granted ")

After clause 2 insert clause A.—

Duty of
asylum
authority in
cases where
superannua-
tion allow-
ances are
granted on
ground of
incapacity.

A.—(1) Where an established officer or servant is entitled to receive, or is granted a superannuation allowance, on the ground of incapacity for the performance of his duty, the visiting committee of the asylum shall, yearly or otherwise, until the power under this Act of requiring such officer or servant to serve again ceases, satisfy themselves that the incapacity continues, and unless they resolve that such evidence is unnecessary, shall satisfy themselves by the evidence of a legally qualified medical practitioner selected by the visiting committee.

(2) In the event of the incapacity ceasing before the time at which the officer or servant would if he had continued to serve have been entitled without a medical certificate to retire and receive a superannuation allowance for life, the visiting committee of the asylum may cancel his superannuation allowance and require him to serve again in the asylum at a rate of pay and emoluments (if any) not less than the rate which he received before his retirement.

(3) Where an established officer or servant so serves again the provisions of this Act as to retirement and superannuation allowances, gratuities, and contributions shall apply as if he had not previously retired, save that the time which elapsed between his former retirement and the commencement of his service again shall not be reckoned as service.

Lines 38 and 34, leave out (" asylum managers or authority ")
and insert (" visiting committee of the asylum in which he
" was last employed ")

Line 37, at the beginning insert (" Subject as hereinafter
" provided ")

Line 40, after (" asylums ") insert (" Provided that where an
" officer or servant of an asylum has removed to another
" asylum, not being an asylum provided by the same local
" authority, his services in the first asylum shall not be so

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" aggregated and reckoned unless they amount to at least
 " two years' service, and in the case of an officer or servant
 " who has removed to another asylum after the commence-
 " ment of this Act, unless he has removed with the written-
 " sanction of the visiting committee of the asylum from
 " which he removed ")

Page 3.

Leave out clause 5 and insert clause B.—

B. If an established officer or servant, in receipt of super-
 annuation allowance under this Act, is appointed to any office or Case of sub-
 sequent ap-
 pointment.
 employment by any authority to which this Act applies, or to an
 office or employment remunerated out of money provided by
 Parliament, or out of a county or borough rate or fund, or out of
 any parochial, district, or other rate, he shall not, while holding
 that office or employment, receive more of the superannuation
 allowance than, together with the remuneration of that office or
 employment, is equal to the remuneration of the office or employ-
 ment in respect of which the superannuation allowance was
 awarded.

Any such person on ceasing to hold such office or employment
 shall be entitled to revert to and receive the full amount of his
 original superannuation allowance from the visiting committee
 which granted it.

Line 19, leave out (" An asylum authority ") and insert (" The
 " visiting committee of an asylum ")

Line 21, leave out (" five ") and insert (" three ")

Line 23, leave out (" asylum authority ") and insert (" visiting
 " committee ")

Line 24, leave out (" claims ") and insert (" who has received
 " his contributions ")

Line 24, leave out (" and ")

Line 25, after (" employment ") insert (" in an asylum ")

Line 29, leave out (" pays ") and insert (" repays ")

Line 29, after (" amount ") insert (" so ")

Line 29, leave out from (" received ") to the end of the clause
 and insert (" to the visiting committee from whom he
 " received it ")

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Page 3.

Lines 34 and 35, leave out ("in the service or employment of
" the managers or authorities of ") and insert ("employed
" in ")

Page 4.

Lines 6 and 7, leave out ("or appointed after the passing of
" this Act ")

Line 7, leave out ("his ") and insert ("the ")

Line 14, after ("Act ") insert ("or appointed after the passing
" of this Act ")

Line 18, leave out ("years ") and insert ("or ")

Line 20, leave out ("asylum managers or authority ") and
insert ("visiting committee of the asylum in which he is
" employed ")

Line 26, leave out ("managers or authority ") and insert
("visiting committee ")

Lines 31 and 32, leave out ("asylum managers or authority ")
and insert ("visiting committee with the consent of the
" local authority ")

Line 33, leave out ("a gratuity to the widow or children ")
and insert—
(" (a) In the case ")

Lines 36 and 37, leave out ("but such gratuity ") and insert
("a gratuity to his widow or children; and

" (b) In the case of an established officer or servant
" dying (whilst in the service of the asylum) to
" whom if he had survived, a special superannua-
" tion allowance might have been granted, an
" annual allowance or a gratuity to his widow or
" children :

" Provided that a gratuity is granted under
" this section ")

Line 38, after ("emoluments ") insert ("whichever is the
" larger amount, and that an annual allowance granted
" under this clause shall not exceed two-thirds of his salary
" or wages and emoluments ")

Page 5.

Lines 1 and 2, leave out (" or amount of ")

Line 2, after (" asylum ") insert (" or as to the amount of the
" superannuation allowance to which any such officer or
" servant is entitled ")

Line 3, leave out from (" State ") to (" decision ") in line 5,
and insert (" whose ")

Line 10, leave out from (" imbeciles ") to (" Established ") in
line 12.

Line 13, leave out from (" servants ") to the end of the clause
and insert (" employed in a permanent capacity as has the
" care or charge of the patients or whom the visiting
" committee of an asylum shall by resolution determine to
" be an established officer or servant ;

" ' Local authority ' means the local authority by which an
" asylum is provided, or in the case of an asylum provided
" by two or more local authorities, those local authorities,
" and in the case of an asylum provided by the Lancashire
" Asylums Board, that Board.

" (2) In the case of an asylum provided or maintained by the
" Lancashire Asylums Board, for references in this Act to the
" visiting committee of an asylum there shall be substituted
" references to that Board, or a visiting committee appointed by
" that Board, as the case may be.

" (3) In the case of an asylum for imbeciles provided or
" maintained by the Metropolitan Asylums Board, for references
" in this Act to the visiting committee of an asylum there shall
" be substituted references to the Board of Managers of the
" Metropolitan Asylums District, and for references to the
" Secretary of State there shall be substituted references to
" the Local Government Board."

Line 23, leave out (" who is ") and insert (" employed in an
" asylum ")

Line 23, leave out from (" Act ") to (" may ") in line 25.

Line 26, leave out (" such authority ") and insert (" the
" visiting committee of the asylum ")

Line 35, after (" Act ") insert (" or, in the case of an officer or
" servant of the Metropolitan Asylums Board to the Poor
" Law Officers' Superannuation Act, 1896 ")

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Line 37, after ("passed") insert (" After the expiration of
 " three months from the commencement of this Act the
 " Poor Law Officers' Superannuation Act, 1800, shall cease
 " to apply to any established officer or servant employed
 " in an asylum who has not, in the manner provided by
 " this section, signified his intention not to avail himself
 " of the provisions of this Act.

" (2) Any officer or servant of the asylum who is at
 " the date of the commencement of this Act in the service
 " of a visiting committee of an asylum to which this Act
 " applies, and who is not or is not determined to be an
 " established officer or servant within the meaning of this
 " Act, shall remain subject to the provisions of the
 " enactments repealed by this Act with respect to the
 " superannuation allowances of officers and servants in
 " asylums as if this Act had not been passed ")

Line 39, leave out ("managers or authorities") and insert
 (" visiting committee ")

Page 6.

Line 1, leave out from ("death") to the end of the clause and
 insert (" and shall be paid out of the fund out of which the
 " salary or wages and emoluments of the officer or servant
 " is or has been paid, and the weekly sum fixed by the
 " visiting committee under section two hundred and eighty-
 " three of the Lunacy Act, 1800, shall be of such amount
 " that the total of such weekly sums shall be sufficient to
 " pay all such superannuation allowances or gratuities in
 " addition to the expenses of maintenance and salaries
 " payable out of such sums under that section :

" Provided that where an established officer or servant
 " of an asylum has removed to some other asylum under
 " such circumstances as entitle him to aggregate his services
 " in such first-mentioned asylum with his services in such
 " last-mentioned asylum and in due course becomes entitled
 " to and is awarded a superannuation allowance, the visiting
 " committee in whose service he then is shall be entitled to
 " call upon the other visiting committee or committees with
 " whom he shall have served, and they shall contribute a
 " proportionate part of the superannuation allowance to

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" such officer or servant reckoned according to the service
 " and pay of such officer or servant during his service in
 " such asylum, and the said proportionate part shall be
 " settled by agreement between the visiting committees, or
 " in default of agreement by the Secretary of State :

" and also insert clause C.—

" C. Where by virtue of any award made under section
 " sixty-two of the Local Government Act, 1888, or section two
 " hundred and forty-four of the Lunacy Act, 1890, any liability
 " is imposed on any county council or the council of any county
 " borough to contribute to any superannuation allowances granted
 " to any officer or servant of an asylum, such liability shall, unless
 " and until otherwise provided by subsequent award, agreement,
 " or otherwise, continue in the same manner and to the same
 " extent as if this Act had not been passed: Provided that any
 " sums payable under any such award in respect of superannuation
 " allowances granted under this Act shall be paid to the visiting
 " committee of any such asylum in lieu of the county council or
 " the council of any county borough to whom the same would
 " otherwise be payable")

Saving of liabilities in respect of contributions to allowances.
51 & 52 Vict. c. 41.
53 & 54 Vict. c. 5.

Line 10, leave out (" five ") and insert (" ten ")

Lines 19 and 20, leave out (" managers or authority ") and insert (" visiting committee ")

Lines 24 and 25, leave out (" managers or authority ") and insert (" visiting committee ")

Lines 34 and 35, leave out (" managers or authority ") and insert (" visiting committee ")

Page 7.

Line 2, leave out (" managers or authority ") and insert (" visiting committee ")

Line 6, leave out (" managers or authority ") and insert (" visiting committee ")

Line 8, leave out (" managers or authority ") and insert (" visiting committee ")

Line 9, leave out (" managers or authority ") and insert (" visiting committee ")

Page 7.

Lines 12 and 13, leave out ("managers or authority") and insert ("visiting committee")

Line 17, leave out ("managers or authority") and insert ("visiting committee")

Line 21, leave out ("managers or authority") and insert ("visiting committee")

Line 26, leave out ("managers or authority") and insert ("visiting committee")

Line 27, leave out ("managers or authority") and insert ("visiting committee")

Line 28, leave out ("such authority") and insert ("the
"visiting committee")

Line 34, leave out ("managers or authority") and insert ("visiting committee")

Line 37, leave out ("managers or authority") and insert ("visiting committee")

Line 39, leave out ("to such authority")

Page 8.

Line 1, leave out ("managers or authority") and insert ("visiting committee")

Line 4, leave out ("such authority") and insert ("them")

Line 6, leave out ("required") and insert ("entitled")

Line 7, leave out ("authority") and insert ("visiting committee")

Line 8, after ("made") insert ("Any person who makes a
"wilful misstatement of material fact in any such declaration
"shall be liable on summary conviction to a fine not
"exceeding fifty pounds or to imprisonment with or without
"hard labour not exceeding three calendar months :

"and insert clauses D. and E.—

Application
to Scotland.

"D. This Act shall come into operation in Scotland on the
"fifteenth day of May nineteen hundred and ten, and, if not

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" inconsistent with the context, in the application of this Act to
" Scotland—

" 'Asylum' means a district asylum, and 'visiting committee'
" means a district board within the meaning of the
" Lunacy (Scotland) Acts, 1857 to 1887;

" References to the General Board of Commissioners in
" Lunacy for Scotland shall be substituted for references
" to the Secretary of State and also for references to the
" local authority;

" A reference to the weekly charge for pauper lunatics fixed
" and approved from time to time pursuant to section
" seventy-three of the Lunacy (Scotland) Act, 1857, shall
" be substituted for the reference to the weekly sum
" fixed by the visiting committee under section two
" hundred and eighty-three of the Lunacy Act, 1890;

" The expression 'established officer or servant' has the
" meaning in this Act assigned thereto, but shall not
" include an officer or servant who does not devote his
" whole time to the duties of his office:

" Provided that this Act shall apply to the Greenock parochial
" asylum and the Kirklands asylum as if they were district
" asylums, and the respective managing bodies thereof were
" district boards:

" E. In the application of this Act to Ireland—

Application
to Ireland.

" 'Asylum' means a district or auxiliary asylum;

" References to the Lord Lieutenant shall be substituted
" for references to the Secretary of State;

" References to local authorities shall not apply;

" References to a committee or a joint committee, as the
" case may be, appointed under section nine of the
" Local Government (Ireland) Act, 1898, shall be
" substituted for references to a visiting committee;

" The reference to parochial relief shall be construed as a
" reference to union relief.

" A requirement to retire under section eleven of this Act
" shall, in its application to an established officer or
" servant who is an existing officer within the meaning
" of the Local Government (Ireland) Act, 1898, be
" subject to the approval of the Lord Lieutenant")

